

smoking is for individuals to make better choices and for our culture to change, as it has already changed, when it comes to consumption of tobacco products. I think about other examples over time where our culture has changed to where we now do things that are safer and better today than we used to when I was growing up. For example, when I was growing up, seatbelt use was very sparse. As a matter of fact, you could buy a car, and if you wanted a seatbelt, you would have to have somebody install it for you because it didn't come as original, manufactured equipment. Today we know seatbelt use is not only much broader and more widely spread, but you can't get into a car and turn it on without being dinged to death or otherwise reminded that you need to put your seatbelt on. The truth is it has made driving in cars a lot safer. It has kept people healthier, even in spite of accidents they have been involved in, and it has—not coincidentally—helped reduce medical admissions and medical expenses as well.

We know there is also today a greater societal stigma against drunk driving. That was not always the case. As a matter of fact, as a result of many years of public education and stricter law enforcement, now people take a much smarter and well-informed view of drinking and particularly the risks of drinking and driving. We know also that many Americans, in dealing with energy, are dealing more responsibly by recycling and conserving energy. Of course, millions of Americans are trying to do better when it comes to eating right and exercising more frequently so they can protect their own health and engage in preventive medicine, so to speak.

Government can't do it all because, as I said earlier, I think individuals bear a responsibility to make good choices. One thing government can do is help inform those choices. I think this regulation bill will help smokers make better decisions by knowing what is in the tobacco product and allowing the FDA to regulate this drug.

I believe the real drivers of change, though, are not just the government, not the nanny State that will tell us what we can and cannot do, but cultural influences and, indeed, economic incentives which are more powerful than government regulations in influencing individual behavior.

Some have said: Why in the world would we give tobacco regulation to the Food and Drug Administration, a Federal agency with the primary job of determining safety of food and drugs and medical devices as well as efficacy. As a matter of fact, many people have been tempted to buy prescription drugs, let's say, over the Internet but not knowing where they were actually manufactured, whether they were actually counterfeit drugs. So there is not only the question of safety—in other words, if you put it in your mouth, is it going to poison you—but it is also if

you put it in your mouth and you take it expecting it actually to be effective against the medical condition you want to treat. The FDA is a regulatory agency that is supposed to determine not only safety of food and drugs but also their efficacy.

There is a certain anomaly in giving the FDA regulatory authority for something we know will kill people—and does, in fact, kill hundreds of thousands of people—when used as intended by the manufacturer, but I think this is a step in the right direction. I think the world would be a better place—we would all certainly be healthier—if people chose not to use tobacco, and many have made that choice due to the cultural influences we have mentioned, as well as some of the economic incentives that are provided by employers.

As we undertake the task of reforming our health system in America, something that comprises 17 percent of our gross domestic product, I think we could well learn from some of the successful experiences and experiments some employers have used and some workers have used when it comes to drugs such as tobacco. For example, one large grocery company headquartered out in California—Safeway—which also has many employees in Texas, as an employer, they noticed that 70 percent of their health care costs were related to individual behavior, things such as diet, exercise, and, yes, indeed, smoking. They recognized that if they could encourage their employees to get age-appropriate diagnostic procedures for cancer—colon cancer, for example—if they could encourage their employees to quit smoking, if they could encourage their employees to watch their weight and get exercise and to watch their blood pressure and take blood pressure medication where indicated, where they could encourage them to take cholesterol-lowering medication, if they had high cholesterol, that they could not only have healthier, more productive employees, they could actually bring down the costs of health care for their employees as well as their own costs. I think Safeway is just one example of many successful innovators across this country, where people are encouraged to do the right thing for themselves and for their employers and for their families. I think these are the kinds of issues that ought to guide us as we debate health care reform during the coming weeks.

I believe this legislation fills the necessary gap in FDA's regulatory authority, an agency that regulates everything from food to prescription drugs, to medical devices. The only reason tobacco was left out of it is because of the political clout of tobacco years ago. This legislation fills that gap and I think presents the most pragmatic approach to try to deal with the scourge of underage smoking and marketing to children, as well as informing consumers of what they need to know in order to make smart choices for

their own health and for the health of their family.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the period of morning business be extended until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mrs. BOXER. Madam President, I came to the floor to speak in support of the Family Smoking Prevention and Tobacco Control Act and also to express my gratitude to Senator KENNEDY and my colleagues who have pushed so hard for the consideration of this important bill. I am so pleased about the vote last night which allowed us to move forward on this bill.

This would be a historic accomplishment for this Senate, the House, and for the President. I am at a loss to understand how Senators could stand in opposition to this important legislation. To prove the point, I could ask a couple of questions:

What is the leading cause of preventable death in this country, killing over 400,000 Americans a year? The leading cause of preventable death is tobacco.

What causes more deaths than HIV/AIDS, illegal drug use, alcohol use, motor vehicle accidents, suicides, and murders combined? I guess if you ask people out there, they may not know that the answer is tobacco.

What are the only products on the market that kill one-third of their purchasers? Madam President, if you had a health device or any product that kills one-third of its purchasers, we would outlaw that product in a heartbeat. We are not outlawing tobacco; we are simply saying tobacco needs to be controlled by the FDA. Remember, the only product on the market that kills one-third of its purchasers is tobacco, if used as directed.

I could go on and on with these rhetorical questions. Clearly, we know tobacco is the only product on the market that is advertised and sold without any government oversight.

I don't understand how 35 or so of our colleagues think the answer to our pushing for this is no. But then again, that is the answer we get back from the other side of the aisle a lot. I am very grateful to the eight or nine Republicans who joined us. Without them,